

MAIN OCT 28 2002

ORDINANCE NO. 2002 - 049

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE **TRANSPORTATION ELEMENT** (TO REVISE AND ESTABLISH A LOWER TRAFFIC LEVEL OF SERVICE FOR SCHOOLS); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

**WHEREAS**, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

**WHEREAS**, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

**WHEREAS**, the Palm Beach County Local Planning Agency conducted its public hearings on February 22, March 1, and March 8, 2002 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on April 8, 2002 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, Palm Beach County received on July 1, 2002 the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated June 28, 2002 which was the Department's written review of the proposed Comprehensive Plan amendments; and

**WHEREAS**, the written comments submitted by the Department of Community Affairs contained no objections to the amendments contained in this ordinance;

1           WHEREAS, on August 28, 2002 the Palm Beach County Board of County  
2 Commissioners held a public hearing to review the written comments  
3 submitted by the Department of Community Affairs and to consider  
4 adoption of the amendments; and

5           WHEREAS, the Palm Beach County Board of County Commissioners has  
6 determined that the amendments comply with all requirements of the  
7 Local Government Comprehensive Planning and Land Development  
8 Regulations Act.

9           NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
10 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

11           Part I. Amendments to the 1989 Comprehensive Plan

12           Amendments to the text of the following Element of the 1989  
13 Comprehensive Plan are hereby adopted and attached to this Ordinance  
14 in Exhibit 1:

15           A.    Transportation Element, to revise and establish a lower  
16                traffic level of service for schools; and

17           B.    Amending all elements as necessary for internal  
18                consistency.

19           Part II. Repeal of Laws in Conflict

20           All local laws and ordinances applying to the unincorporated area  
21 of Palm Beach County in conflict with any provision of this ordinance  
22 are hereby repealed to the extent of such conflict.

23           Part III. Severability

24           If any section, paragraph, sentence, clause, phrase, or word of  
25 this Ordinance is for any reason held by the Court to be  
26 unconstitutional, inoperative or void, such holding shall not affect  
27 the remainder of this Ordinance.

28           Part IV. Inclusion in the 1989 Comprehensive Plan

29           The provision of this Ordinance shall become and be made a part  
30 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the  
31 Ordinance may be renumbered or relettered to accomplish such, and the  
32 word "ordinance" may be changed to "section," "article," or any other  
33 appropriate word.

34           Part V. Effective Date

35           The effective date of this plan amendment shall be the date a  
36 final order is issued by the Department of Community Affairs or

1 Administration Commission finding the amendment in compliance in  
2 accordance with Section 163.3184, Florida Statutes, whichever occurs  
3 earlier. No development orders, development permits, or land uses  
4 dependent on this amendment may be issued or commence before it has  
5 become effective. If a final order of noncompliance is issued by the  
6 Administration Commission, this amendment may nevertheless be made  
7 effective by adoption of a resolution affirming its effective status,  
8 a copy of which resolutions shall be sent to the Department of  
9 Community Affairs, Bureau of Local Planning, 2555 Shumard Oak  
10 Boulevard, Tallahassee, Florida 32399-2100.

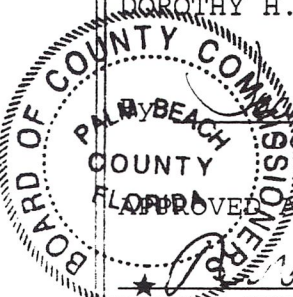
11 APPROVED AND ADOPTED by the Board of County Commissioners of  
12 Palm Beach County, on the 28 day of August, 2002.

13  
14 ATTEST:

15 DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,

BY ITS BOARD OF COUNTY COMMISSIONERS



16  
17  
18 Deputy Clerk

By

19 Warren H. Newell, Chairman

20  
21 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

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23  
24 COUNTY ATTORNEY

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26 Filed with the Department of State on the 3 day of  
27 September, 2002

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30 T:\Planning\AMEND\02-1\admin\bccadopt\Ordinances\LowerTrafficLOS-Schools-ord.rtf



## EXHIBIT 1

### A. Transportation Element, Lower Traffic LOS for Schools

**REVISIONS:** To revise and establish a lower traffic level of service for schools. The revisions are below and shown with the added text underlined, and the deleted text ~~struck-out~~.

1. **REVISED Policy 1.2-d:** The Board of County Commissioners finds that under certain limited circumstances dealing with transportation facilities, countervailing planning and public policy goals may come into conflict with the requirement that adequate public facilities be available concurrent with the impacts of such development. The Board of County Commissioners further finds that under certain circumstances, an ~~interim~~ lower level of service standard for a specific roadway segments is appropriate. Consequently, this policy provides for an ~~interim~~ lower transportation facilities level of service standard for certain purposes, and roadways, ~~and time frames~~ segments:

- 1) For the public purpose of allowing ~~educational facilities (public and private schools)~~ (as defined in the Introduction and Administration Element) to be constructed, ~~in the vicinity of Woolbright Road and El Clair Ranch Road, the level of service standard on Woolbright Road between El Clair Ranch Road and Military Trail shall be:~~ permitted on affected segments shall be up to 30% above the LOS D volume on those segments. This lower level of service shall pertain only to evaluating the traffic impacts of public and private schools.
- a) ~~LOS F for Test One and LOS F for Alternate Test One. The level of service standard volume shall be 19,100 on an ADT basis for Test One, 1,800 on a peak hour basis (two-way) for Test One, and 1,220 on a peak hour, peak season, peak direction basis for Alternate Test One. This lower level of service shall pertain only to evaluating the traffic impacts of public schools. When Woolbright Road is widened to 4/5 lanes, the adopted level of service shall revert to those identified in Policy 1.1-b.~~

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, DOROTHY H. WILKEN, ex-officio Clerk of the  
Board of County Commissioners certify this to be a  
true and correct copy of the original filed in my office  
on August 28, 2012.  
DATED at West Palm Beach, FL on 10/16/12.  
DOROTHY H. WILKEN, Clerk  
By: Kiana Brown D.C.